

Message Text

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PAGE 01 COLOMB 01661 131136Z POSS DUPE
ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 DHA-02 L-03 SY-05 CIAE-00
DODE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01 SP-02
MCT-01 /051 W
-----140612Z 098795 /15

R 131100Z MAY 77
FM AMEMBASSY COLOMBO
TO SECSTATE WASHDC 7280
INFO AMEMBASSY NEW DELHI
AMEMBASSY LONDON
AMCONSUL MADRAS

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E.O. 11652: N/A
TAGS: PINT, CE

SUBJ: DURAIYAPPAH MURDER SUSPECTS NOT TO BE PROSECUTED BEFORE
SPECIAL TRIBUNAL

REF: (A) 76 COLOMBO 4570; (B) 75 COLOMBO 2232 (NOTAL)

1. THE ATTORNEY-GENERAL HAS WITHDRAWN FROM THE HIGH COURT-AT-BAR THE CASE AGAINST SEVEN ALLEGED ASSASSINS OF JAFFNA MAYOR ALFRED DURAIYAPPAH BUT HAS ANNOUNCED HIS INTENTION OF FILING A NEW INDICTMENT BEFORE THE JAFFNA HIGH COURT. HE DID NOT WAIT FOR THE PENDING SUPREME COURT DECISION ON WHETHER OR NOT THE SPECIAL THREE-JUDGE HIGH COURT-AT-BAR, PROVIDED FOR UNDER NOW-LAPSED EMERGENCY REGULATIONS, HAD JURISDICTION TO HEAR THE CASE.

2. AFTER THE WITHDRAWAL OF THE CASE MAY 12, THE SUBJECTS WERE BRIEFLY DISCHARGED, BUT THEN RE-ARRESTED, PENDING THE FILING OF THE NEW CASE IN JAFFNA, WHERE THE DEFENDENTS WOULD BE TRIED BEFORE A JURY AND UNDER NORMAL CRIMINAL LAW. TAMIL SOURCES
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PROFESS TO BELIEVE THAT THE GOVERNMENT DOES NOT HAVE SUFFICIENT EVIDENCE FOR CONVICTION IN SUCH A COURT WHICH PROVIDES MORE SAFEGUARDS FOR THE RIGHTS OF THE ACCUSED THAN DOES A TRIAL-AT-BAR. IF THE PROSECUTOR IS UNSURE OF THE STRENGTH OF HIS CASE, THE GOVERNMENT MAY NOT PURSUE THE MATTER IN AN ATTEMPT TO CONCILIATE THE TAMIL COMMUNITY BEFORE THE ELECTION.

3. DURAIYAPPAH WAS SHOT IN JULY 1975 PRESUMABLY BECAUSE HE
WAS A GOVERNMENT SUPPORTER APPOINTED IN AN ANTI-GOVERNMENT
TAMIL AREA. TWO SUSPECTS IN THE KILLINGS ARE STILL SOUGHT;
ONE OF THEM IS SAID TO HAVE RECEIVED "POLITICAL ASYLUM" IN
THE U.K.
REED

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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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